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FILED

APR 19 2010

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING,
Respondents,

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH

Respondent/Intervenors.

**RESPONDENT ALTON COAL
DEVELOPMENT, LLC'S CONCURRENCE
IN PETITIONER'S LIST OF
GEOLOGY/HYDROLOGY ISSUES FOR
HEARING**

Docket No. 2009-019

Cause No. C/025/0005


Alton Coal Development, LLC ("Alton" or "ACD"), the permittee of Mine Permit No. C/025/0005 through its attorneys hereby joins the Division of Oil, Gas and Mining and concurs in the list of eight geology/hydrology issues to be presented to the Board for hearing. See

Petitioners' List of Geology/Hydrology Issues for Hearing, Bd. of Oil, Gas & Mining Docket No. 2009-019 (April 19, 2010) (The geology/hydrology issues are numbers 10 through 17 on the list, and were listed separately in an attachment to the Board's April 7, 2010 Scheduling Order.)

Alton does not concur with the list of Cultural Resource and Air Quality Issues identified as numbers 1 through 9 in the April 19, 2010 list. Alton has identified its reasons for objecting to the items in this list in its motion for Partial Summary Decision filed with the Board on April 15, 2010.

Respectfully submitted this 19th day of April, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via email and U.S.

Mail, postage prepaid, this _____ day of April, 2010, to the following:

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